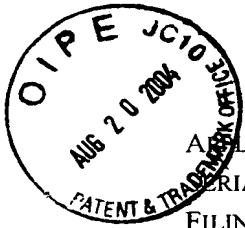


08-23-04  
Express Mail Label Number: EV344000648US  
Date of Deposit: August 20, 2004

1648  
Attorney Docket No. 62600-010110  
BFW



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: McCarthy et al.  
SERIAL NUMBER: 09/996,187 EXAMINER: HILL, Myron G.  
FILING DATE: November 27, 2001 ART UNIT: 1648  
FOR: FUNCTIONAL PROTEIN EXPRESSION FOR RAPID CELL-FREE PHENOTYPING

Boston, Massachusetts

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

TRANSMITTAL LETTER

Dear Sir:

Transmitted herewith for filing in the above-referenced patent application are the following documents:

- ☒ Supplemental Information Disclosure Statement;
- ☒ PTO Form 1449;
- ☒ Copies of Cited References C1-C13; and
- ☒ Return Postcard

If the enclosed papers are considered incomplete, the Mail Room is respectfully requested to contact the undersigned collect at telephone (617) 310-6000.

The Commissioner is hereby authorized to charge all fees that may be due, or credit any overpayment to Deposit Account No. 50-2678, Ref. No. 62600-010110. A duplicate copy of this Transmittal Letter is enclosed.

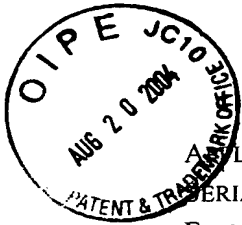
Dated: Aug 20, 2004

Respectfully submitted,

Michel Morency  
Reg. No. 50,198  
Attorney(s) for Applicants  
Customer No.: 35893  
GREENBERG TRAURIG, LLP  
One International Place  
Boston, Massachusetts 02110  
Tel: (617) 310-6000  
Fax: (617) 310-6001

Express Mail Label Number: EV344000648US  
Date of Deposit: August 20, 2004

Attorney Docket No. 62600-010110



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS: McCarthy et al.  
SERIAL NUMBER: 09/996,187 EXAMINER: HILL, Myron G.  
FILING DATE: November 27, 2001 ART UNIT: 1648  
FOR: FUNCTIONAL PROTEIN EXPRESSION FOR RAPID CELL-FREE PHENOTYPING  
Boston, Massachusetts

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, Applicants hereby make of record the documents listed on the attached modified Form PTO-1449 in the above-identified application, copies of which are submitted herewith. The order of presentation of the references should not be construed as an indication of the importance of the references.

This Information Disclosure Statement is being filed more than three months after the filing date of this application and after the mailing date of the first Office Action, but before the mailing date of either a final action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311.

- ☒ The fee of \$240 as set forth in 37 C.F.R. §1.17(p) is to be charged to Deposit Account.
- ☐ The Applicant hereby certifies, as specified in 37 C.F.R. §1.97(e), that:  
(Check a or b below)
- ☐ a. Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart for this application not more than three months prior to the filing of this Statement.
- ☐ b. No item of Information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart for this application or, to the knowledge of the under signed after making reasonable inquiry, was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Statement.

Accordingly, no fee or certification is required. 37 C.F.R. §1.97.

08/24/2004 CNGUYEN 00000008 502678 09996187

01 FC:1806 180.00 DA

APPLICANTS: McCarthy et al.  
U.S.S.N.: 09/996,187

A copy of each of the above-identified information is enclosed unless otherwise indicated on the attached Form PTO-1449 (modified). It is respectfully requested that the Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims, and signs the enclosed form PTO-1449 to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that: (1) a search has been performed, of the extent of any search performed, or that more relevant information does not exist; (2) the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b); and (3) the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his/her own conclusion regarding the relevance of the cited information. An early and favorable action is hereby requested. Please charge the fee of \$240 and any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-2678, Reference No. 62600-010110.

Dated: Aug 20, 2004

Respectfully submitted,



Michel Morency  
Reg. No. 50,198  
Attorney(s) for Applicants  
Customer No.: 35893  
GREENBERG TRAURIG, LLP  
One International Place  
Boston, Massachusetts 02110  
Tel: (617) 310-6000  
Fax: (617) 310-6001

#147158v1

Date of Deposit: August 20, 2004

Please type a plus sign (+) in this box



PTO/SB (12-97)

Approved for use through 9/30/00. OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



Modified Form 1449/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

<b>Application Number</b>	09/996,187
<b>Filing Date</b>	November 27, 2001
<b>First Named Inventor</b>	McCarthy
<b>Group Art Unit</b>	1648
<b>Examiner Name</b>	HILL, Myron G.
<b>Attorney Docket Number</b>	62600-010110

**U.S. PATENT DOCUMENTS**

Exam Initials	Cite No.	U.S. Patent Document No.	Issue Date	Name of Patentee(s) or Applicant(s)	Class	Sub Class	Filing Date If Appropriate

**FOREIGN PATENT DOCUMENTS**

Exam Initials	Cite No.	Foreign Patent Document Office Number	Name of Patentee(s) or Applicant(s)	Date of Publication	Translation Yes No

**OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS**

Exam Initials	Cite No.	Name of Author, Title (when appropriate), Publication, Volume, Page(s), Date, Etc.
	C1	International Search Report for PCT/US101/44783
	C2	Cihlar, Tomas, et al. "Expression of the catalytic subunit (UL54) and the accessory protein (UL44) of human cytomegalovirus DNA polymerase in a coupled in vitro transcription/translation system.", <u>Protein Expression and Purification</u> , vol 11, no 2, November 1997, pgs 209-218.
	C3	Xiong X., et al. "Mutations in hepatitis B DNA polymerase associated with resistance to lamivudine do not confer resistance to adefovir in vitro.", <u>Hepatology</u> , Williams and Wilkins, Baltimore, MD, vol 28, no 6, Dec 1998 pgs 1669-1673.
	C4	Xiaofeng Xiong, et al. "In vitro evaluation of hepatitis B virus polymerase mutations associated with famciclovir resistance", <u>Hepatology</u> , Williams and Wilkins, Baltimore, MD, vol 31, no 1, Jan 2000, pgs 219-224.
	C5	Sahli R., et al. "A rapid phenotypic assay for detection of acyclovir-resistant varicella-zoster virus with mutations in the thymidine kinase open reading frame.", <u>Antimicrobial Agents and Chemotherapy</u> , April 2000, vol 44, no 4, pgs 873-878.
	C6	Ueno, T., et al. "Enzymatic characterization of human immunodeficiency virus type 1 reverse transcriptase resistant to multiple 2', 3'-dideoxynucleoside 5'-triphosphates.", <u>The Journal of Biological Chemistry</u> , vol 270, no 40, pgs 23605-23611.
	C7	Suzutani, T., et al. "Rapid phenotypic characterization method for herpes simplex virus and Varicella-Zoster virus thymidine kinases to screen for acyclovir-resistant viral infection.", <u>Journal of Clinical Microbiology</u> , May 2000, vol 38, no 5, pgs 1839-1844

\* a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. \_\_\_\_\_, filed \_\_\_\_\_, and relied upon for an earlier filing date under 35 U.S.C. §120 (continuation, continuation-in-part, and divisional applications).

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Date of Deposit: August 20, 2004

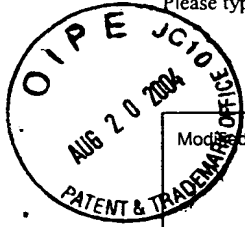
Please type a plus sign (+) in this box



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO/SB (12-97)  
Approved for use through 9/30/00. OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE



Modified Form 1449/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

<b>Application Number</b>	09/996,187
<b>Filing Date</b>	November 27, 2001
<b>First Named Inventor</b>	McCarthy
<b>Group Art Unit</b>	1648
<b>Examiner Name</b>	HILL, Myron G.
<b>Attorney Docket Number</b>	62600-010110

**U.S. PATENT DOCUMENTS**

Exam Initials	Cite No.	U.S. Patent Document No.	Issue Date	Name of Patentee(s) or Applicant(s)	Class	Sub Class	Filing Date If Appropriate

**FOREIGN PATENT DOCUMENTS**

Exam Initials	Cite No.	Foreign Patent Document Office Number	Name of Patentee(s) or Applicant(s)	Date of Publication	Translation Yes No

**OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS**

Exam Initials	Cite No.	Name of Author, Title (when appropriate), Publication, Volume, Page(s), Date, Etc.
	C8	Cihlar, T., et al. "A point mutation in the human cytomegalovirus DNA polymerase gene selected in vitro by cidofovir confers a slow replication phenotype in cell culture.", <u>Virology</u> , Sep 1998, vol 248, no 2.
	C9	Sirawaraporn, W., et al. "Antifolate-resistant mutants of Plasmodium falciparum dihydrofolate reductase.", <u>Proceedings of the National Academy of Sciences of the United States of America</u> Feb 1997, vol 94, no 4, pgs 1124-1129.
	C10	Triglia, T., et al. "Mutations in dihydropteroate synthase are responsible for sulfone and sulfonamide resistance in Plasmodium falciparum.", <u>Proceedings of the National Academy of Sciences of the United States of America</u> Dec 1997, vol 94, no 25, pgs 13944-13949.
	C11	Reynolds, M.G., et al. "A biochemical and genetic model for parasite resistance to antifolates. Toxoplasma gondii provides insights into pyrimethamine and cycloguanil resistance in Plasmodium falciparum." <u>The Journal of Biological Chemistry</u> Feb 1998, vol 273, no 6, pgs 3461-3469.
	C12	Cortese, J.F., et al. "Antifolate resistance due to new and known plasmodium falciparum dihydrofolate reductase mutations expressed in yeast.", <u>Molecular and Biochemical Parasitology</u> , Netherlands, Aug 1998, vol 94, no 2, pgs 205-214.
	C13	Hao, E., et al. "Divergent dimerization properties of mutant beta 1 thyroid hormone receptors are associated with different dominant negative activities", <u>Molecular Endocrinology</u> July 1994, vol 8, no 7, pgs 841-851.

\* a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. \_\_\_\_\_, filed \_\_\_\_\_, and relied upon for an earlier filing date under 35 U.S.C. §120 (continuation, continuation-in-part, and divisional applications).

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.

One Financial Center  
Boston, Massachusetts 02111

Richard R. Tomlins, II  
Operations Manager - IP

Direct dial 617 348 1852  
rrtomlins@mintz.com

617 542 6000  
617 542 2241 fax

November 17, 2003

Michel M. Morency  
Greenberg Traurig  
One International Place, 3<sup>rd</sup> Floor  
Boston, MA 02110

**RECEIVED**

NOV 24 2003

**GREENBERG TRAURIG  
IP DEPT. BOSTON**

Re: Transfer of Focus Technologies, Inc.  
Our Reference No.: 22510

Dear Mike:


Enclosed please find an original PCT communication for the following matter of which a facsimile copy was previously sent to you on November 5, 2003:

1. PCT/US01/44783 (22510-501-061)
  - Invitation to Pay Additional Fees

We have made no copies of this material. If you have any questions, please do not hesitate to contact us.

Sincerely,

MINTZ, LEVIN, COHN, FERRIS,  
GLOVSKY and POPEO, P.C.



Richard R. Tomlins, II

RECEIPT ACKNOWLEDGED BY:

\_\_\_\_\_  
Michel M. Morency

Enclosures

cc: Ivor R. Elrifi, Esq. (w/o enclosures)